

103D CONGRESS
1ST SESSION

S. 1273

AMENDMENTS

In the House of Representatives, U. S.,

August 3, 1993.

Resolved, That the bill from the Senate (S. 1273) entitled “An Act to enhance the availability of credit in disaster areas by reducing the regulatory burden imposed upon insured depository institutions to the extent such action is consistent with the safety and soundness of the institutions”, do pass with the following

AMENDMENTS:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Depository Institutions*
3 *Disaster Relief Act of 1993”.*

4 ***SEC. 2. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAIL-***
5 ***ABILITY ACT.***

6 *(a) TRUTH IN LENDING ACT.—During the 240-day pe-*
7 *riod beginning on the date of enactment of this Act, the*
8 *Board of Governors of the Federal Reserve System may*
9 *make exceptions to the Truth in Lending Act for trans-*
10 *actions within an area in which the President, pursuant*
11 *to section 401 of the Robert T. Stafford Disaster Relief and*
12 *Emergency Assistance Act, has determined, on or after*
13 *April 1, 1993, that a major disaster exists, or within an*
14 *area determined to be eligible for disaster relief under other*

1 *Federal law by reason of damage related to the 1993 flood-*
2 *ing of the Mississippi River and its tributaries, if the Board*
3 *determines that the exception can reasonably be expected*
4 *to alleviate hardships to the public resulting from such dis-*
5 *aster that outweigh possible adverse effects.*

6 (b) *EXPEDITED FUNDS AVAILABILITY ACT.*—During
7 *the 240-day period beginning on the date of enactment of*
8 *this Act, the Board of Governors of the Federal Reserve Sys-*
9 *tem may make exceptions to the Expedited Funds Avail-*
10 *ability Act for depository institution offices located within*
11 *any area referred to in subsection (a) of this section if the*
12 *Board determines that the exception can reasonably be ex-*
13 *pected to alleviate hardships to the public resulting from*
14 *such disaster that outweigh possible adverse effects.*

15 (c) *TIME LIMIT ON EXCEPTIONS.*—Any exception
16 *made under this section shall expire not later than October*
17 *1, 1994.*

18 (d) *PUBLICATION REQUIRED.*—The Board of Gov-
19 *ernors of the Federal Reserve System shall publish in the*
20 *Federal Register a statement that—*

21 (1) *describes any exception made under this sec-*
22 *tion; and*

23 (2) *explains how the exception can reasonably be*
24 *expected to produce benefits to the public that out-*
25 *weigh possible adverse effects.*

1 **SEC. 3. DEPOSIT OF INSURANCE PROCEEDS.**

2 (a) *IN GENERAL.*—The appropriate Federal banking
3 agency may, by order, permit an insured depository insti-
4 tution to subtract from the institution's total assets, in cal-
5 culating compliance with the leverage limit prescribed
6 under section 38 of the Federal Deposit Insurance Act, an
7 amount not exceeding the qualifying amount attributable
8 to insurance proceeds, if the agency determines that—

9 (1) the institution—

10 (A) had its principal place of business with-
11 in an area in which the President, pursuant to
12 section 401 of the Robert T. Stafford Disaster
13 Relief and Emergency Assistance Act, has deter-
14 mined, on or after April 1, 1993, that a major
15 disaster exists, or within an area determined to
16 be eligible for disaster relief under other Federal
17 law by reason of damage related to the 1993
18 flooding of the Mississippi River and its tribu-
19 taries, on the day before the date of any such de-
20 termination;

21 (B) derives more than 60 percent of its total
22 deposits from persons who normally reside with-
23 in, or whose principal place of business is nor-
24 mally within, areas of intense devastation caused
25 by the major disaster;

1 (C) was adequately capitalized (as defined
 2 in section 38 of the Federal Deposit Insurance
 3 Act) before the major disaster; and

4 (D) has an acceptable plan for managing
 5 the increase in its total assets and total deposits;
 6 and

7 (2) the subtraction is consistent with the purpose
 8 of section 38 of the Federal Deposit Insurance Act.

9 (b) *TIME LIMIT ON EXCEPTIONS.*—Any exception
 10 made under this section shall expire not later than April
 11 1, 1995.

12 (c) *DEFINITIONS.*—For purposes of this section:

13 (1) *APPROPRIATE FEDERAL BANKING AGENCY.*—
 14 The term “appropriate Federal banking agency” has
 15 the same meaning as in section 3 of the Federal De-
 16 posit Insurance Act.

17 (2) *INSURED DEPOSITORY INSTITUTION.*—The
 18 term “insured depository institution” has the same
 19 meaning as in section 3 of the Federal Deposit Insur-
 20 ance Act.

21 (3) *LEVERAGE LIMIT.*—The term “leverage
 22 limit” has the same meaning as in section 38 of the
 23 Federal Deposit Insurance Act.

24 (4) *QUALIFYING AMOUNT ATTRIBUTABLE TO IN-*
 25 *SURANCE PROCEEDS.*—The term “qualifying amount

1 *attributable to insurance proceeds'' means the amount*
 2 *(if any) by which the institution's total assets exceed*
 3 *the institution's average total assets during the cal-*
 4 *endar quarter ending before the date of any deter-*
 5 *mination referred to in subsection (a)(1)(A), because*
 6 *of the deposit of insurance payments or governmental*
 7 *assistance made with respect to damage caused by, or*
 8 *other costs resulting from, the major disaster.*

9 **SEC. 4. BANKING AGENCY PUBLICATION REQUIREMENTS.**

10 (a) *IN GENERAL.*—A qualifying regulatory agency
 11 *may take any of the following actions with respect to depos-*
 12 *itory institutions or other regulated entities whose principal*
 13 *place of business is within, or with respect to transactions*
 14 *or activities within, an area in which the President, pursu-*
 15 *ant to section 401 of the Robert T. Stafford Disaster Relief*
 16 *and Emergency Assistance Act, has determined, on or after*
 17 *April 1, 1993, that a major disaster exists, or within an*
 18 *area determined to be eligible for disaster relief under other*
 19 *Federal law by reason of damage related to the 1993 flood-*
 20 *ing of the Mississippi River and its tributaries, if the agen-*
 21 *cy determines that the action would facilitate recovery from*
 22 *the major disaster:*

23 (1) *PROCEDURE.*—Exercising the agency's au-
 24 *thority under provisions of law other than this section*
 25 *without complying with—*

1 (A) any requirement of section 553 of title
2 5, United States Code; or

3 (B) any provision of law that requires no-
4 tice or opportunity for hearing or sets maximum
5 or minimum time limits with respect to agency
6 action.

7 (2) *PUBLICATION REQUIREMENTS.*—Making ex-
8 ceptions, with respect to institutions or other entities
9 for which the agency is the primary Federal regu-
10 lator, to—

11 (A) any publication requirement with re-
12 spect to establishing branches or other deposit-
13 taking facilities; or

14 (B) any similar publication requirement.

15 (b) *PUBLICATION REQUIRED.*—A qualifying regu-
16 latory agency shall publish in the Federal Register a state-
17 ment that—

18 (1) describes any action taken under this section;
19 and

20 (2) explains the need for the action.

21 (c) *QUALIFYING REGULATORY AGENCY DEFINED.*—
22 For purposes of this section, the term “qualifying regulatory
23 agency” means—

24 (1) the Board of Governors of the Federal Re-
25 serve System;

1 (2) *the Comptroller of the Currency;*

2 (3) *the Director of the Office of Thrift Super-*
3 *vision;*

4 (4) *the Federal Deposit Insurance Corporation;*

5 (5) *the Financial Institutions Examination*
6 *Council;*

7 (6) *the National Credit Union Administration;*
8 *and*

9 (7) *with respect to chapter 53 of title 31, United*
10 *States Code, the Secretary of the Treasury.*

11 (d) *EXPIRATION.*—*Any exception made under this sec-*
12 *tion shall expire not later than April 1, 1994.*

13 ***SEC. 5. STUDY; REPORT TO THE CONGRESS.***

14 (a) *STUDY.*—*The Secretary of the Treasury, after con-*
15 *sultation with the appropriate Federal banking agencies (as*
16 *defined in section 3 of the Federal Deposit Insurance Act),*
17 *shall conduct a study that—*

18 (1) *examines how the agencies and entities*
19 *granted authority by the Depository Institutions Dis-*
20 *aster Relief Act of 1992 and by this Act have exer-*
21 *cised such authority;*

22 (2) *evaluates the utility of such Acts in facilitat-*
23 *ing recovery from disasters consistent with the safety*
24 *and soundness of depository institutions; and*

1 (3) contains recommendations with respect to
 2 whether the authority granted by this Act should be
 3 made permanent.

4 (b) *REPORT TO THE CONGRESS.*—Not later than 18
 5 months after the date of the enactment of this Act, the Sec-
 6 retary of the Treasury shall submit to the Congress a report
 7 on the results of the study required by subsection (a).

8 **SEC. 6. SENSE OF THE CONGRESS.**

9 *It is the sense of the Congress that the Board of Gov-*
 10 *ernors of the Federal Reserve System, the Comptroller of*
 11 *the Currency, the Director of the Office of Thrift Super-*
 12 *vision, the Federal Deposit Insurance Corporation, and the*
 13 *National Credit Union Administration should encourage*
 14 *depository institutions to meet the financial services needs*
 15 *of their communities and customers located in areas affected*
 16 *by the 1993 flooding of the Mississippi River and its tribu-*
 17 *taries.*

18 **SEC. 7. OTHER AUTHORITY NOT AFFECTED.**

19 *Nothing in this Act limits the authority of any depart-*
 20 *ment or agency under any other provision of law.*

Amend the title so as to read: “An Act to facilitate recovery from the recent flooding of the Mississippi River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.”.